REMARKS

Claims 1-58 are pending.

Of these claims 1, 5, 6, 10, 14, 19, 22, 24, and 35 are presented for present consideration.

Claims 1, 5, 6, 10, 14, 19, 22, 24, and 35 are rejected under 35 USC § 101, and then again under 35 USC 103(a).

Claim 1 is currently amended.

Rejections under 35 USC § 101,

Claims 1, 5, 6, 10, 14, 19, 22, 24, and 35 are rejected under 35 USC § 101.

Claim 1 has been amended to recite that the elements are distributed over the network and associate with nodes. A node intrinsically includes a processor and therefore a computer configured by a program is claimed, which constitutes allowable subject matter.

In addition an output has been claimed, that gives an indication of whether the material being searched for has been found by the search functionality. Such a concrete result renders the claim patentable irrespective of the association with the node in the previous paragraph.

Rejections under 35 USC 103.

The present application was filed on 3rd July 2001 claiming the priority of US Provisional Patent Application No. 60/259,228 filed 3rd January 2001. The effective filing date for all subject matter present in the provisional application is therefore 3rd January 2001.

All the claims are fairly based on the provisional application. By "fairly based" is meant both that they are taught in the provisional application and that they are supported by the provisional application in the sense that a skilled person would know how to provide one embodiment within the scope of the claim.

The citation to Browne, having an earliest date of March 27, 2001, is therefore not proper prior art to the present claims.

Even if the Examiner were hypothetically able to prove an earlier date for Browne, it still would not render the present claims obvious. This is because Browne fails to teach *inter alia* two of the claimed features.

1) Browne does not teach searching for predetermined material, contrary to the requirement of claim 1. Rather Browne implies watching the individual users and their personal downloading activities overall, "who is downloading what and when". That is to say the implication is that the software picks on a particular user and makes a list of his downloads. This interpretation is supported by subsequent litigation activity by the record companies where they in fact took individual users to court and listed their entire downloading history over a period of time.

2) Browne fails to teach elements distributed nodewise on a network. Rather Browne merely alleges that the record companies know something that we don't and can watch anyone anywhere. The whole tone of the article is to make the record companies look like sinister beings and there is no thought of hinting to the skilled person how he might go about achieving the result.

All the issues raised by the Examiner have been dealt with.

Prompt notice of allowance is earnestly and respectfully requested.

Respectfully submitted,

Martin Moynihan

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Date: January 30, 2008

Encl.:
Petition for Extension (1 month)